

**REMARKS**

This paper is responsive to the Non-Final Office Action dated February 19, 2003, having a shortened statutory period expiring on May 19, 2003, extended to June 19, 2003 in which:

Claims 1-35 were pending in the application; and

Claims 1-35 were rejected.

New claim 36 has been added, and no claims have been amended or cancelled by this amendment. Accordingly, claims 1-36 remain currently pending in the present application.

**Rejection of Claims under 35 U.S.C. §102**

In the present Office Action, claims 1-3, 13, 15-16, 20, 24-25, and 27-29 were rejected under 35 U.S.C. 102(b) as being anticipated by U.S. Pat. No. 4,470,139, issued to Munter (hereinafter "**Munter**"). While not conceding that the Examiner's cited reference qualifies as prior art, but instead to expedite prosecution, Applicants have chosen to respectfully disagree and traverse the rejection as follows. Applicants reserve the right, for example, in a continuing application, to establish that one or more of the Examiner's cited references do not qualify as prior art as to an invention embodiment previously, currently, or subsequently claimed.

Applicants respectfully submit that **Munter** fails to teach, show, or suggest, "reconfiguring said switch matrix during a first time period" (Applicants' claim 1, emphasis supplied), "reconfiguring said switch matrix during said switching period" (Applicants' claim 13, emphasis supplied), "control circuitry...configured to subsequently configure said switching matrix to output said information stream at another of said plurality of matrix outputs during a period of time during which said one of said plurality of portions is transiting said switching matrix" (Applicants' claim 20, emphasis supplied) or "control circuitry...configured to cause said switching matrix to switch said information stream from said one of said plurality of matrix outputs to another of said

plurality of matrix outputs during a period of time corresponding to said another position”(Applicants’ claim 30, emphasis supplied) as claimed.

Regarding Applicants’ claim 1, in the present Office Action, the Examiner states at page 2, paragraph 3 of the present Office Action with respect to “reconfiguring said switch matrix during a first time period” that,

Munter discloses a switching network for use in a time division multiplex system for switching digital signals carried in timeslots on N incoming buses to timeslots on M outgoing buses...The system carries PCM samples along the buses...Each sample would make up a portion of data so a stream of samples would be like a plurality of portions. The time switch serves to switch channels between timeslots. The crosspoint is only assigned for the duration of a sample, for one timeslot...See Fig. 1, col. 2, lines 58-68, and col. 3, lines 1-16).”

Applicants respectfully disagree. Applicants submit that the cited portions of *Munter* fail to explicitly teach, show, or suggest how, or more importantly, when the “crosspoint” is re-assigned. Moreover, as the referenced portions of *Munter* state that, “the crosspoint (in switch 53) is assigned only for the duration of the sample (i.e., for one timeslot)” and as it has been admitted by the Examiner that, “time switch serves to switch channels between timeslots” Applicants submit that any re-assignment of the “crosspoint” would necessarily have to take place between PCM samples to avoid data loss.

Consequently, such a re-assignment would also necessarily take place between “portions” of data according to the Examiner’s interpretation of *Munter*. If this were not the case, data within a “portion” during which such a re-assignment occurred would be lost. Applicants therefore respectfully submit that *Munter* does not and cannot teach, show, or suggest, “reconfiguring said switch matrix during a first time period” where a portion of a plurality of portions of an information stream is in a position corresponding to the first time period as claimed (Applicants’ claim 1). Accordingly, it is further submitted by Applicants that claim 1 is allowable over the Examiner’s cited portions of *Munter*.

Rejection of Claims under 35 U.S.C. §103

In the present Office Action, claims 6, 10-12, 17-19, 21-23, 30-33, and 35 were rejected under 35 U.S.C. 103(a) as being unpatentable over Munter in view of U.S. Pat. No. 5,410,600, issued to Toy (hereinafter "**Toy**"). While not conceding that the Examiner's cited reference qualifies as prior art, but instead to expedite prosecution, Applicants have chosen to respectfully disagree and traverse the rejection as follows. Applicants reserve the right, for example, in a continuing application, to establish that one or more of the Examiner's cited references do not qualify as prior art as to an invention embodiment previously, currently, or subsequently claimed.

Applicants respectfully submit that neither **Toy**, nor any permissible combination or construction of **Toy** with the Examiner's cited reference **Munter** teaches, shows, or suggests, "reconfiguring said switch matrix during a first time period" (Applicants' claim 1, emphasis supplied), "reconfiguring said switch matrix during said switching period" (Applicants' claim 13, emphasis supplied), "control circuitry...configured to subsequently configure said switching matrix to output said information stream at another of said plurality of matrix outputs during a period of time during which said one of said plurality of portions is transiting said switching matrix" (Applicants' claim 20, emphasis supplied) or "control circuitry...configured to cause said switching matrix to switch said information stream from said one of said plurality of matrix outputs to another of said plurality of matrix outputs during a period of time corresponding to said another position" (Applicants' claim 30, emphasis supplied) as claimed.

**Toy** teaches a prescramble encoding mechanism which divides a data word into a plurality of sequences of data bits for transmission over a fiber optic communication link. (**Toy**, Abstract) The Examiner has cited no portion of **Toy** for the proposition of teaching, showing, or suggesting "reconfiguring said switch matrix during a first time period" where a portion of a plurality of portions of an information stream is in a position corresponding to the first time period as claimed (Applicants' claim 1). Rather, entire columns 2 and 3 of **Toy** have been cited by the Examiner solely as teaching, "the resequencing or the rearranging of portions of data before they are switched through the


switch, and resequencing the portions of data back to their original sequence after they have been switched.”

As it has been shown hereinabove that *Munter*, fails to teach, show, or suggest “reconfiguring said switch matrix during a first time period” where a portion of a plurality of portions of an information stream is in a position corresponding to the first time period as claimed (Applicants’ claim 1) it is further submitted therefore that no combination of *Munter* and *Toy* may be construed as teaching, showing, or suggesting the described “reconfiguring” and that Applicants’ claim 1 is accordingly allowable over the Examiner’s cited portions of *Munter* and *Toy*.

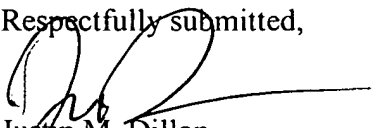
Additionally, the Examiner has failed to explicitly address Applicants’ claim 5 in order to make out a *prima facie* case of anticipation or obviousness. Applicants therefore presume that claim 5 is allowable over the Examiner cited references and request an indication thereof or a supplemental Office Action. Applicants’ claims 2-12, depending directly or indirectly from claim 1 are allowable for at least those reasons stated for the allowability of claim 1. Applicants’ claims 13, 20, and 30 and newly entered independent claim 36 each include one or more elements or limitations substantially similar to those described with respect to claim 1. Accordingly, Applicants respectfully submit that independent claims 13, 20, 30, and 36 and corresponding dependent claims 14-19, 21-29, and 31-35 are therefore allowable over *Munter* and *Toy* for at least those reasons stated for the allowability of Applicants’ claim 1.

CONCLUSION

In view of the amendments and remarks set forth herein, the application is believed to be in condition for allowance and a notice to that effect is solicited. Nonetheless, should any issues remain that might be subject to resolution through a telephonic interview, the Examiner is invited to telephone the undersigned at 512-439-5080.

I hereby certify that this correspondence is being deposited with the United States Postal Service as First Class Mail in an envelope addressed to: COMMISSIONER FOR PATENTS, P.O. Box 1450, Alexandria, V.A. 22313-1450, on <u>6-14-03</u> .	
 _____ Attorney for Applicant(s)	<u>6-14-03</u> _____ Date of Signature

Respectfully submitted,

  
Justin M. Dillon  
Attorney for Applicants  
Reg. No. 42,486  
Telephone (512) 439-5097  
Facsimile (512) 439-5099

**VERSION WITH MARKINGS TO SHOW CHANGES MADE***In the Claims*

**The following new claim has been added.**

---

36. (New) A method of operating a switch matrix comprising:  
configuring said switch matrix to couple a first input to a first output;  
receiving an information stream at said first input, wherein said information  
stream contains data and metadata within a plurality of portions in a  
sequence and a one of said plurality of portions is in one position in said  
sequence;  
identifying said one of said plurality of portions as containing metadata; and  
reconfiguring said switch matrix during a first time period, said first time period  
corresponding to said one position in said sequence.

---

